

UNITED STATES DISTRICT COURT

for the

District of New Mexico

____ Division

Dylan Keith O'Flaherty
Neal Patrick O'Flaherty

Case No.

20cv239 JFR
(to be filled in by the Clerk's Office)_____
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. Department of Education; Northwest Commission
on Colleges & Universities; Student Privacy Policy
Office_____
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dylan Keith O'Flaherty / Neal Patrick O'Flaherty
Street Address	P.O. Box 7881
City and County	Albuquerque, Bernalillo
State and Zip Code	New Mexico, 87196
Telephone Number	N/A
E-mail Address	coachdylanoflaherty@outlook.com/coachnealoflaherty@outlook.co

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name U.S. Department of Education (governmental agency)

Job or Title *(if known)* _____

Street Address 400 Maryland Avenue, SW

City and County Washington, D.C.

State and Zip Code District of Columbia, 20202

Telephone Number 1-800-872-5327

E-mail Address *(if known)* www.ed.gov

Defendant No. 2

Name Northwest Commission on Colleges & Universities (agency)

Job or Title *(if known)* Sonny Ramaswamy, President

Street Address 8060 165th Avenue NE

City and County Redmond, King

State and Zip Code WA, 98052

Telephone Number (425) 558-4224

E-mail Address *(if known)* sonny@nwccu.org

Defendant No. 3

Name DOE, Student Privacy Policy Office (governmental agency)

Job or Title *(if known)* Bernard Cieplak, Analyst

Street Address 400 Maryland Avenue, SW

City and County Washington, D.C.

State and Zip Code District of Columbia, 20202

Telephone Number 1-800-872-5327

E-mail Address *(if known)* FERPA.Complaints@ed.gov

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

- The Clery Act, 20 U.S.C. § 1092
- Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).
- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Las Vegas, Nevada; University of Nevada Las Vegas & Nevada System of Higher Education.
Seattle, Washington; Northwest Commission on Colleges & Universities.
Washington, D.C.; U.S. Department of Education & Student Privacy Policy Office.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Since the date of October 5th, 2019, UNLV has been in non-compliance with federal FERPA law in this case. The U.S. Department of Education and the Student Privacy Policy Office have been aware of this set of facts for months. Despite being provided with copious evidence regarding the facts of this case, Mr. Bernard Cieplak, Analyst, SPPO, has stated his intention to "close out" the ongoing FERPA complaint before the Student Privacy Policy Office. Mr. Cieplak has provided no legal justification for this stated decision, nor has Mr. Cieplak conducted an investigation into the claims brought forth to his office. Mr. Cieplak has stated that he will "close out" this case without so much as having even begun an investigation; in active violation of constitutional, consumer, and students' rights.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

While full-time College of Education Dean's List students at UNLV, the plaintiffs in this case were made victim to the following crimes on the date of May 25th, 2019: first-degree kidnapping, assault and battery, criminal harassment, and doxing of private, personal information with criminal intent. These crimes were perpetrated against plaintiffs at the location of 939 E. Flamingo Rd., Las Vegas, NV, 89119; by over one dozen individuals, including multiple active UNLV and CSN college students.

Las Vegas Metropolitan Police Department Report Nos. LLV190500136167 and LLV190700122842 were filed under penalty of perjury by plaintiffs in this case. These cases are under active investigation by Las Vegas Metropolitan Police Department, Robbery Division.

Section 23, Article 1 of the Nevada Constitution enforces the rights of the victims of violent crimes:

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

In June 2019, plaintiffs were contacted via telephone by outside legal counsel representing UNLV. This attorney, Christian E. Hardigree, stated that plaintiffs in this matter were entitled to immediate restitution from UNLV pertaining to lost wages resulting from these matters. UNLV has refused to address this matter subsequently.

Plaintiffs have both spent their working lives as educators, and were returning to college at UNLV in furtherance of these careers. The "fraudulent disclosures to students" made in this case by UNLV administration and staff have been made in furtherance of gas-lighting both plaintiffs. As a result of being made victim of first-degree kidnapping and assault and battery by active UNLV students, and subsequently being retaliated upon and gas-lit by UNLV administration and staff for coming forward as victims of these crimes, both plaintiffs have been diagnosed with symptoms consistent with Post Traumatic Stress Disorder.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Relief is requested by the Court in granting the immediate complaint and request for permanent injunction in this matter against the following agencies: United States Department of Education, Northwest Commission on Colleges & Universities, and Student Privacy Policy Office.

The wrongs presented in this filing are clearly continuing at the present time, as UNLV is being allowed by the U.S. Dept. of Education, NWCCU, and SPPO to continue criminally violating the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), as has been the case since October 5th, 2019.

Until such time as both plaintiffs are granted immediate legal access to all FERPA documentation, calculating monetary damages is not possible. Damages can and will be presented to the Court upon legal access to all FERPA documentation.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/16/2020

Signature of Plaintiff

Dylan K. O'Flaherty Neal OF

Printed Name of Plaintiff

Dylan Keith O'Flaherty / Neal Patrick O'Flaherty

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address